

Message Text

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ORIGIN EB-11

INFO OCT-01 EA-11 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

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DRAFTED BY EB/AN:WBCOBB:TH

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EA/IMS - MR. NOONAN

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R 102147Z APR 74

FM SECSTATE WASHDC

TO AMEMBASSY JAKARTA

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E.O. 11652: N/A

TAGS: ETRN, ID

SUBJECT: CIVAIR: US RIGHTS TO SERVE BALI

REF: JAKARTA 4294

1. DEPARTMENT HAS CALLED TO PAN AM'S ATTENTION THE VIEWS EXPRESSED BY COMMUNICATIONS MINISTER SALIM REGARDING SERVICE TO BALI. PERHAPS THROUGH ITS OWN CHANNELS PAN AM WILL BE ABLE DEMONSTRATE VALUE ITS CONTRIBUTION TO TOURISM DEVELOPMENT IN INDONESIA.

2. WE HAVE SOME DIFFICULTY RECONCILING INFERENCE THAT PAN AM WILL BE "INVITED OUT OF BALI" WITH MINISTERS REPORTED STATEMENT THAT HE DOES NOT DESIRE A CONFRONTATION WITH THE US. CLEARLY UNDER THE TERMS OF THE BILATERAL AIR TRANSPORT AGREEMENT PAN AMERICAN HAS THE RIGHT TO SERVE BALI. SHOULD THIS RIGHT BE IMPAIRED BY UNILATERAL GOI RESTRICTIONS, SUCH ACTION WOULD BE INCONSISTENT WITH PROVISIONS ARTICLE 9, PARAGRAPH A OF THE AIR TRANSPORT AGREEMENT OF 1968. UNDER PARA B THAT ARTICLE, GOI IS REQUIRED TO CONSULT WITH US SHOULD IT BELIEVE THAT EXISTING PAN AM SCHEDULES HAVE BEEN OPERATED CONTRARY TO

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PRINCIPLES IN ARTICLE 8. EMBASSY MAY MAKE CLEAR TO

MINISTER COMMUNICATIONS THAT IF HE UNILATERALLY TAKES RESTRICTIVE ACTION RE PAN AM'S SERVICE TO BALI, SUCH ACTION WOULD BE CLEARLY INCONSISTENT WITH AGREEMENT.

OUTRIGHT REFUSAL ALLOW PAN AM SERVE BALI WOULD BE CLEAR CUT BREACH OF AGREEMENT. FYI. DO NOT BELIEVE IT IS US INTEREST TO BRING UP QUESTION OF DENUNCIATION OF AGREEMENT. US HAS NOT DENOUNCED A BILATERAL AIR TRANSPORT AGREEMENT, AND WE HAVE SERIOUS DOUBTS WHETHER OUR OVERALL INTERESTS WOULD BE ADVANCED BY SUCH ACTION. END FYI.

3. SHOULD GOI DESIRE CONSULTATIONS WITH RESPECT TO THE AGREEMENT, IT MAY INVOKE THE PROVISIONS OF ARTICLE 11. CUSTOMARILY THE COUNTRY SEEKING CONSULTATIONS INDICATES A WILLINGNESS TO SEND A DELEGATION TO THE COUNTRY WITH WHOM THE CONSULTATIONS ARE SOUGHT. THE US WOULD EXPECT THAT IF THE GOI WISHES CONSULTATIONS SUCH A PROCEDURE WOULD BE FOLLOWED.

4. DEPARTMENT'S COMMENTS AND SUGGESTIONS ON SECURITY QUESTION WILL BE SUBJECT TO SEPARATE MESSAGE. KISSINGER

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